

Federal Court



Cour fédérale

Date: 20110512

Docket: IMM-6906-10

Citation: 2011 FC 546

Vancouver, British Columbia, May 12, 2011

PRESENT: The Honourable Mr. Justice Pinard

BETWEEN:

ANDREW ROBERTSON

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] The applicant's appeal of Prothonotary Tabib's discretionary order dismissing his motion for an extension of time to serve and file his application record is dismissed for the following reasons:

1. The applicant has failed to show a continued interest in pursuing the application;
2. The applicant's application for leave and judicial review fails to reveal a meritorious argument; and

3. The applicant has given no reasonable explanation for the delay (see *Canada (AG) v Hennesly*, [1999] FCJ No 846 at para. 3).

[2] In so exercising my own discretion, I find exactly as Prothonotary Tabib did. In that regard, I am substantially in agreement with paragraphs 27 to 38 inclusive of the written representations filed on behalf of the defendant.

ORDER

THIS COURT ORDERS that, consequently, the applicant's motion appealing Prothonotary Tabib's order dated March 3, 2011, is dismissed. As no costs are sought by the respondent, none are adjudicated.

“Yvon Pinard”

Judge